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10 Attorneys for Defendant
11 Mr. Miller

12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,) Case No. 2:21cr77-WBS
16 Plaintiff,)
17 vs.) **STIPULATION AND ORDER TO CONTINUE**
18 JAMES DEAN MILLER,) **STATUS CONFERENCE AND EXCLUDE TIME**
19 Defendant.)
20 _____)
21) Date: June 1, 2021
22) Time: 9:00 a.m.
23) Judge: Hon. William B. Shubb
24)
25)

26 IT IS HEREBY STIPULATED and agreed by and between Acting United States
27 Attorney Phillip A. Talbert, through Assistant United States Attorney Mira Chernick, counsel for
28 Plaintiff, and Federal Defender Heather Williams, through Assistant Federal Defender Hootan
Baigmohammadi, counsel for Defendant James Dean Miller, that the status hearing currently set
for June 1, 2021 at 9:00 be continued to August 9, 2021 at 9:00 a.m.

29 The parties specifically stipulate as follows:

30 1. By previous order, this matter was set for a status on June 1, 2021 at 9:00 a.m.
31 2. By stipulation, Mr. Miller now moves to continue the status conference to August
32 9, 2021 at 9:00 a.m.
33 3. The government and defense counsel have recently agreed upon a protective order
34 as it relates to discovery, and the government has represented that it will provide
35 discovery to the defense promptly.

1 4. The defense requires additional time to review the discovery, investigate and
2 research possible defenses, research potential pretrial motions, consult with Mr.
3 Miller, explore potential resolutions to the case, and otherwise prepare for trial.
4 5. Defense counsel believes that failure to grant the requested continuance would
5 deny him the reasonable time necessary for effective preparation, taking into
6 account the exercise of due diligence.
7 6. The government does not object to the continuance.
8 7. Therefore, the parties stipulate that the ends of justice served by granting the
9 continuance outweighs the best interest of the public and Mr. Miller in a speedy
10 trial, and request the Court so to find.
11 8. For the purpose of computing time under 18 U.S.C. § 3161 *et seq.* (Speedy Trial
12 Act), the parties request that the time period between June 1, 2021 and August 9,
13 2021, inclusive, be deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv)
14 (Local Code T4), because it would result from a continuance granted by the Court
15 at the defense's request, based on a finding that the ends of justice served by
16 granting the continuance outweighs the best interest of the public and Mr. Miller
17 in a speedy trial.

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2 Respectfully submitted,

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4 HEATHER E. WILLIAMS
Federal Defender

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Date: May 25, 2021

/s/ Hootan Baigmohammadi
HOOTAN BAIGMOHAMMADI
Assistant Federal Defender
Attorneys for Defendant
Mr. Miller

Date: May 25, 2021

PHILLIP A. TALBERT
United States Attorney

/s/ Mira Chernick
MIRA CHERNICK
Assistant United States Attorney
Attorneys for Plaintiff

ORDER

The court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. For the reasons stated, the time period between June 1, 2021 and August 9, 2021, inclusive, is found excludable under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv) (Local Code T4), because it would result from a continuance granted by the court at the defense's request, based on a finding that the ends of justice served by granting the continuance outweighs the best interest of the public and Mr. Miller in a speedy trial. Moreover, the ongoing COVID-19 pandemic has led to the suspension of jury trials in this district since March 17, 2020, and the General Orders of this court issued in connection with the pandemic allow for continuances and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), with no further findings required. General Orders 611, 612, 617, and 618. Additionally, the April 16, 2020 Order of the Judicial Council of the Ninth Circuit suspended the time limits of 18 U.S.C. § 3161(c) due to a judicial emergency in this district until May 2, 2021. See In re Approval of the Judicial Emergency Decl. in the E. Dist. of Cal., 956 F.3d 1175 (9th Cir. Judicial Council 2020).

IT IS SO ORDERED.

Dated: May 26, 2021

William B. Shubb
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE